

This ruling and others like it, without very clear modification, will significantly adversely affect the entire country's employment processes. For years, the standards have been that job seekers and/or their agents will approach prospective employers offering their talents (or those of the candidates they represent). The restrictions that are being imposed can easily be interpreted to equally apply to job seekers and their agents. Any agent (Employment Agency/Search Firm) either attempting to present their candidate or to assist the employer in their recruiting efforts will be construed as making a marketing attempt. Any job seeker asking for an opportunity could be considered the same way. To ask an overburdened company to send each individual job seeker or agent written permission to submit their credentials and to maintain the documentation that would be necessary to support them in the event of a legal problem or audit would be extremely expensive, burdensome and adversely affect the companies accessibility as an employer. It is also safe to assume that in this litigious society, individuals, agents, employers and the court systems will assume an additional burden. As the economy returns to full employment and when jobs outnumber jobseekers (which will again happen), the outcome could be serious. Please consider the literal millions of pieces of employment-related correspondence in the U.S. per year as you consider this regulation.